



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on February 24, 2004

NOTICE OF ACTION TAKEN -- DOCKET OST 2004-17189

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: POLET AIRLINES, LTD.

Date Filed: February 23, 2004

Relief requested: Exemption from 49 U.S.C. section 40109(g) to permit the applicant to operate one, one-way, cargo charter flight from Dallas/Fort Worth, Texas, to New York, New York, on February 24, 2004, using its AN-124-100 aircraft to transport one GE 90 aircraft engine, engine stand and parts, on behalf of American Airlines. The applicant stated that American Airlines urgently needs delivery of the engine on that date for repairing an American Airlines aircraft at JFK to avoid further disruption of that carrier's schedules; and that the cargo is too large for transportation on U.S.-carrier aircraft.

Applicant representative: Lester M. Bridgeman, 251-432-1414 DOT analyst: Allen F. Brown, 202-366-2405

Responsive pleadings: Polet Airlines served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations and that it had no comment or did not oppose grant of the requested authority to Polet Airlines.

Statutory Standards: Under 49 U.S.C. section 40109(g), we may authorize a foreign air carrier to carry commercial traffic between U.S. points (*i.e.*, cabotage traffic) under limited circumstances. Specifically, we must find that the authority is required in the public interest; that because of an emergency created by unusual circumstances not arising in the normal course of business the traffic cannot be accommodated by U.S. carriers holding certificates under 49 U.S.C. section 41102; that all possible efforts have been made to place the traffic on U.S. carriers; and that the transportation is necessary to avoid unreasonable hardship to the traffic involved (an additional required finding, concerning emergency transportation during labor disputes, was not relevant here).

DISPOSITION

Action: Approved

Action date: February 24, 2004

Effective dates of authority granted: February 24, 2004, through February 24, 2004.

Basis for approval: We are granting Polet Airlines' request to operate its proposed flight today from Dallas/Fort Worth to New York. We found that its request met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type and that the grant was required in the public interest. Specifically, we were persuaded of the urgent need to move the cargo promptly in order to meet American Airlines' repair schedule, the potential negative impact of delivery delay; and the unique, outsized nature of the cargo, constituted an emergency not arising in the normal course of business. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of this authority was necessary to prevent unreasonable hardship to American Airlines. Finally, we found that the applicant was qualified to perform its proposed operation.

Except to the extent exempted/waived, this authority is subject to our standard exemption conditions and to the condition that the applicant must comply with an FAA-approved flight routing for the authorized flight.

Action taken by: **Karan K. Bhatia**
Assistant Secretary
for Aviation and International Affairs

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